

PROPOSED AMENDMENTS TO SB 141

NEW SECTION. Section 1. Short title. [Sections 1 through 4] may be cited as the "Schools Are for Education Act".

NEW SECTION. Section 2. Definitions. (1) "Bullying, harassment, or intimidation" means any persistent threatening, insulting, or demeaning gesture or physical conduct or, including any intentional written, verbal, or electronic communication or threat directed against a student that a reasonable person under the circumstances should know will have the effect of:

(a) placing causes the student physical harm or damages the student's property or places a student in reasonable fear of harm to the student or the student's property;

(b) substantially interfering with interferes with a student's access to an educational performance or educational opportunities opportunity or benefit; or

(c) substantially disrupting and materially disrupts the orderly operation of a school, whether such conduct originates on or off school premises and whether such conduct occurs during normal school hours or during time other than normal school hours.

(2) The term includes retaliation against a victim or witness who reports information about an act of bullying, harassment, or intimidation.

NEW SECTION. Section 3. Bullying of student prohibited. (1) Bullying, harassment, or intimidation of a student enrolled in a public K-12 school or nonpublic accredited school by another student or an employee is strictly prohibited including but not limited to when a student engages in bullying, harassment or intimidation:

(1a) in a classroom or other location on school premises;

(2b) during any school-sponsored program, activity, or function where the school is responsible for the student, including when the student is traveling to and from school, on a school bus or other school-related vehicle; or

(3c) through the use of electronic communication, as defined in 45-8-213, that substantially and materially disrupts the orderly operation of a school or any school-sponsored program, activity, or function where the school is responsible for the student.

(2) A student who is determined by a school district to have engaged in bullying, harassment, or intimidation as defined in [section 2] shall be subject to discipline in accordance with 20-5-201 and 20-5-202, which may include any sanction authorized by law, including expulsion.

NEW SECTION. Section 4. School district implementation, minimum requirements, model policy, and compliance. (1) By August 1, 2012, each school district shall adopt a policy ~~prohibiting~~ addressing bullying, harassment, or intimidation.

~~(2) The policy must be implemented in a manner that is ongoing throughout the school year and integrated with a school's curriculum, professional development programs, discipline policies, and other violence prevention efforts.~~

(3)(2) Each district has discretion and control over the development of its policy, but each district's policy must include at a minimum:

(a) a definition of bullying, harassment, or intimidation that includes the definitions provided in [section 2];

(b) a statement prohibiting bullying, harassment, or intimidation of any student as described in [section 3];

(c) a procedure for reporting and documenting reports of acts of bullying, harassment, or intimidation;

(d) a procedure for prompt investigation, as defined in the policy, of all reports of bullying, harassment, or intimidation and response to all reported acts of bullying, harassment, or intimidation that identifies the persons responsible for the investigation and response;

(e) a procedure for determining whether the reported act is ~~outside~~ subject to the jurisdiction of the school, ~~or district or authority of another public agency, including law enforcement~~, and a procedure for referral to the necessary persons or entity with appropriate jurisdiction;

(f) a procedure for prompt notification, as defined in the policy, of the parents or guardian of the victim and perpetrator;

(g) a procedure to protect the victim from further bullying, harassment, or intimidation and to refer victims for appropriate remedial assistance, including counseling as defined by the policy;

(h) a procedure for establishing consequences and appropriate remedial action, including counseling as defined by the policy, for persons found to have committed acts of bullying, harassment, or intimidation; and

(i) a process for publicizing the policy, including ~~prominent~~ inclusion in each district's or school's student handbook.

(4) ~~To assist school districts in developing a policy under [section 1 through 4], the office of public instruction shall develop a model policy that must be available to the school districts no later than March 1, 2012.~~

(3) The office of public instruction shall develop and make available to school districts a model policy that meets the criteria of [sections 1 through 4]. This subsection shall not be construed to prohibit school districts from exercising their control and discretion to develop such policy that meets the criteria of [sections 1 through 4] independent from the office of public instruction model policy.

~~(5)~~ (4) Compliance with [sections 1 through 4] must be considered during a school's accreditation review pursuant to 20-7-102.

NEW SECTION. Section 5. Codification instruction. [Sections 1 through 4] are intended to be codified as an integral part of Title 20, chapter 5, and the provisions of Title 20, chapter 5, apply to [sections 1 through 4].

Proposed Amendments to SB141

1. Page 1, line 16.
Following: "any"
Insert: "persistent"
2. Page 1, line 17.
Following: "conduct"
Strike: "or"
Insert: "including"
3. Page 1, line 18.
Following: "that "
Strike: "a reasonable person under the circumstances should know will have the effect of"
4. Page 1, line 20.
Following: "(a)"
Strike: "placing"
Insert: "causes the student physical harm or damages the student's property or places"
5. Page 1, line 21.
Following: "substantially"
Strike: "interfering with a student's educational performance or opportunities"
Insert: "interferes with a student's access to an educational opportunity or benefit"
6. Page 1, line 22.
Following: "substantially"
Strike: "disrupting"
Insert: " and materially disrupts"
Following: "school"
Insert: ", whether such conduct originates on or off school premises and whether such conduct occurs during normal school hours or during time other than normal school hours"
7. Page 1, line 26.
Following: "**prohibited.**"
Insert: "(1)"
Renumber: subsequent sections
8. Page 1, line 28.
Strike: "strictly"
Following "prohibited"
Insert: ", including but not limited to when a student engages in bullying, harassment or intimidation"

9. Page 1, line 29.
Strike: "(1)"
Insert: "(a)"
Renumber: subsequent sections

10. Page 2, line 1.
Following: "including"
Insert: "when the student is traveling to and from school,"

11. Page 2, line 2.
Following: ""substantially"
Insert: " and materially"

12. Page 2.
Following: line 4
Insert: "(2) A pupil who is determined by a school district to have engaged in bullying, harassment, or intimidation as defined in [section 2] may be disciplined in accordance with 20-5-201 and 20-5-202, which may include any sanction authorized by law, including expulsion."

13. Page 2, line 7.
Strike: "prohibiting"
Insert: "addressing"

14. Page 2, lines 9 through 11.
Strike: subsection (2) in its entirety
Renumber: subsequent sections

15. Page 2, line 19.
Following: "investigation"
Insert: ", as defined in the policy,"

16. Page 2, lines 22 and 23.
Strike: "outside"
Insert: "subject to"
Following: "school"
Insert: ", "
Strike: "or"
Following: "district"
Insert: "or authority of another public agency, including law enforcement,

17. Page, 2, line 24.
Following: ""notification"
Insert: ", as defined in the policy,"

18. Page 2, line 26.

Strike: "including counseling"

Insert: "as defined by the policy"

19. Page 2, line 27.

Strike: "including counseling"

Insert: "as defined by the policy"

20. Page 2, line 29.

Strike: "prominent"

21. Page 3, lines 1 through 2.

Strike: "(4) To assist school districts in developing a policy under [sections 1 through 4], the office of public instruction shall develop a model policy that must be available to the school districts no later than March 1, 2012."

Insert: "(3) The office of public instruction shall develop and make available to school districts a model policy that meets the criteria of [sections 1 through 4]. This subsection shall not be construed to prohibit school districts from exercising their control and discretion to develop such policy that meets the criteria of [sections 1 through 4] independent from the office of public instruction model policy."